

**SUPREME COURT MINUTES
TUESDAY, FEBRUARY 3, 2009
SAN FRANCISCO, CALIFORNIA**

S062417

**PEOPLE v. SILVERIA
(DANIEL TODD) & TRAVIS
(JOHN RAYMOND)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender John Fresquez's representation that he anticipates filing appellant Daniel Todd Silveria's opening brief by December 2, 2009, counsel's request for an extension of time in which to file that brief is granted to April 7, 2009. After that date, only four further extensions totaling about 240 additional days are contemplated.

S076169

**PEOPLE v. PARKER
(GERALD)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Holly D. Wilkens's representation that she anticipates filing the respondent's brief by August 3, 2009, counsel's request for an extension of time in which to file that brief is granted to April 6, 2009. After that date, only two further extensions totaling about 120 additional days are contemplated.

S087533

**PEOPLE v. POPS (ASWAD) &
WILSON (BYRON)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing appellant Byron Wilson's opening brief by September 8, 2009, counsel's request for an extension of time in which to file that brief is granted to April 7, 2009. After that date, only three further extensions totaling about 150 additional days are contemplated.

S097363**PEOPLE v. MERRIMAN
(JUSTIN JAMES)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 9, 2009.

S113280**PEOPLE v. RUIZ (ALBERT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 6, 2009.

S118147**PEOPLE v. MIRANDA-
GUERRERO (VICTOR M.)**

Extension of time granted

On the court's own motion, appellant is relieved from default for failure to timely file a request for extension of time.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to March 24, 2009.

S168047**STRAUSS (KAREN L.) v.
HORTON (MARK B.)/
(HOLLINGSWORTH)**

Order filed

The court will allocate three hours to oral argument in these cases.

Counsel for petitioners Strauss et al. will be allocated a total of 30 minutes for oral argument.

Counsel for petitioners Tyler et al. will be allocated a total of 30 minutes for oral argument.

Counsel for petitioners City and County of San Francisco et al. will be allocated a total of 30 minutes for oral argument.

The Attorney General will be allocated a total of 30 minutes for oral argument. The Attorney General shall divide his time between his arguments in support of, and his argument in opposition to, the validity of Proposition 8.

Counsel for interveners will be allocated a total of 60 minutes for oral argument.

A request by a party or an amicus curiae to use a portion or all of another party's time must be made pursuant to California Rules of Court, rule 8.524.

On or before Friday, February 27, 2009, counsel for each party (and counsel for any amicus curiae who is granted time for oral argument) shall serve and file a letter with the court indicating the issue or issues that each counsel intends to address in oral argument.

S168066**TYLER (ROBIN) v. STATE OF
CALIFORNIA/
(HOLLINGSWORTH)**

Order filed

The court will allocate three hours to oral argument in these cases.

Counsel for petitioners Strauss et al. will be allocated a total of 30 minutes for oral argument.

Counsel for petitioners Tyler et al. will be allocated a total of 30 minutes for oral argument.

Counsel for petitioners City and County of San Francisco et al. will be allocated a total of 30 minutes for oral argument.

The Attorney General will be allocated a total of 30 minutes for oral argument. The Attorney General shall divide his time between his arguments in support of, and his argument in opposition to, the validity of Proposition 8.

Counsel for interveners will be allocated a total of 60 minutes for oral argument.

A request by a party or an amicus curiae to use a portion or all of another party's time must be made pursuant to California Rules of Court, rule 8.524.

On or before Friday, February 27, 2009, counsel for each party (and counsel for any amicus curiae who is granted time for oral argument) shall serve and file a letter with the court indicating the issue or issues that each counsel intends to address in oral argument.

S168078**SAN FRANCISCO, CITY &
COUNTY OF v. HORTON
(MARK B.)/
(HOLLINGSWORTH)**

Order filed

The court will allocate three hours to oral argument in these cases.

Counsel for petitioners Strauss et al. will be allocated a total of 30 minutes for oral argument.

Counsel for petitioners Tyler et al. will be allocated a total of 30 minutes for oral argument.

Counsel for petitioners City and County of San Francisco et al. will be allocated a total of 30 minutes for oral argument.

The Attorney General will be allocated a total of 30 minutes for oral argument. The Attorney General shall divide his time between his arguments in support of, and his argument in opposition to, the validity of Proposition 8.

Counsel for interveners will be allocated a total of 60 minutes for oral argument.

A request by a party or an amicus curiae to use a portion or all of another party's time must be made pursuant to California Rules of Court, rule 8.524.

On or before Friday, February 27, 2009, counsel for each party (and counsel for any amicus curiae who is granted time for oral argument) shall serve and file a letter with the court indicating the issue or issues that each counsel intends to address in oral argument.

S168972**HICKS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that JAMES B. HICKS, State Bar No. 109117, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed October 2, 2008. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-third of said costs be paid with membership fees for the years 2010, 2011, and 2012. It is further ordered that if he fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S168973**AJETUNMOBI ON
DISCIPLINE**

Recommended discipline imposed

It is ordered that ALABA S. AJETUNMOBI, State Bar No. 219228, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 31, 2008. It is also ordered that ALABA S. AJETUNMOBI take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that ALABA S. AJETUNMOBI comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S168974**BROTHERS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KIERAN JOSEPH BROTHERS, State Bar Number 173437, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. The court also orders that KIERAN JOSEPH BROTHERS comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order. (Bus. & Prof. Code, § 6126, subd. (c).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**SUPREME COURT MINUTES
TUESDAY, FEBRUARY 3, 2009
SACRAMENTO, CALIFORNIA**

The Supreme Court of California convened in its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on Tuesday, February 3, 2009, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan.

Officers present: Frederick K. Ohlrich, Clerk, and Jeff Whaley, Senior Deputy Clerk.

S140911 Angelina Morfin Vargas et al., Plaintiff and Appellants,
 v.
 City of Salinas et al., Defendant and Respondents.

Cause called: Steven J. Andre argued for Appellants.
James R. Parrinello argued for Amici Curiae California Chamber of Commerce et al.
Joel Franklin argued for Respondents.

Mr. Andre replied.
Cause submitted.

S159133 The People, Plaintiff and Appellant,
 v.
 Thomas Bonnetta et al., Defendant and Respondents.

Cause called. Steve Condie, Court-appointed Counsel, argued for Respondent Bonnetta.
Violet Elizabeth Grayson, Court-appointed Counsel, argued for Respondent Wilen.
Dana Filkowski, Office of the Contra Costa County District Attorney, argued for Appellant.

Mr. Condie replied.
Cause submitted.

S143929 Peter Silverbrand, Plaintiff and Appellant,
 v.
 County of Los Angeles et al., Defendants and Respondents.

Cause called. David S. Ettinger, Court-appointed Counsel, argued for Appellant.
Jon B. Eisenberg argued for Amicus Curiae California Academy of Appellate
Lawyers.
Daniel P. Barer argued for Respondents.

Mr. Ettinger replied.
Cause submitted.

Court recessed on the same day at 2:00 p.m.
Members of the court remain the same.

S145087 Sentry Select Insurance Company, Plaintiff and Appellant,
 v.
 Fidelity and Guaranty Insurance Company, Defendant and Appellant.

Cause called. Laurence J. Rabinovich argued for Appellant Sentry Select
Insurance Company.
Mark W. Flory argued for Appellant Fidelity and Guaranty Insurance Company.

Mr. Rabinovich replied.
Cause submitted.

S160736 The People, Plaintiff and Respondent,
 v.
 Ringo Lawrence, Defendant and Appellant.

Cause called. Steven D. Matthews, Office of the Attorney General, argued for
Respondent.
Robert S. Gerstein, Court-appointed Counsel, argued for Appellant.

Mr. Matthews replied.
Cause submitted.

S064769 The People, Respondent,
 v.
 Carlos Anthony Hawthorne, Appellant.

Cause called. Arcelia Hurtado, Office of the State Public Defender,
Court-appointed Counsel, argued for Appellant.
Russell A. Lehman, Office of the Attorney General, argued for Respondent.

Ms. Hurtado replied.
Cause submitted.

Court adjourned.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 3, 4, AND 5, 2009**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on March 3, 4, and 5, 2009.

TUESDAY, MARCH 3, 2009—9:00 A.M.

S149499	Hernandez v. City of Pomona
S163430	Keener et al. v. Jeld-Wen, Inc., et al.
S147345	In re Tobacco II Cases (<i>George, C.J., not participating; Moore J., assigned justice pro tempore</i>)

1:30 P.M.

S159489	Murphy v. Burch et al.
S161044	People v. Story (Gary Dean)
S056425	People v. Davis (Richard Allen) [Automatic Appeal]

WEDNESDAY, MARCH 4, 2009—9:00 A.M.

S153002	Conroy v. Regents of the University of California
S157001	Fairbanks v. Los Angeles County Superior Court (Farmers New World Life Insurance et al., Real Parties in Interest)
S162675	People v. Stone (Nicholas Scott)

1:30 P.M.

S159319	Ste. Marie v. Riverside County Regional Park & Open Space Dist. (Mt. San Jacinto Community College Dist., Real Party in Interest)
S157008	People v. Gaines (Rodney Louis)
S034072	People v. Curl (Robert Zane) [Automatic Appeal] (<i>Baxter, J., not participating; Needham, J., assigned justice pro tempore</i>)

THURSDAY, MARCH 5, 2009—9:00 A.M.

S168047 Strauss et al. v. Horton (Hollingsworth et al., Interveners)
(and two other cases, S168066 Tyler et al. v. State of California et al.
(Hollingsworth et al., Interveners) and S168078 City and County of San Francisco
et al. v. Horton (Hollingsworth et al., Interveners))

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)